



Applicant : Yu-Chan Chao
Serial No. : 10/775,050
Filed : February 9, 2004
Title : NON-LYTIC BACULOVIRUS

Art Unit : 1636
Examiner : David Guzo
Conf. No. : 8997

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF AVAILABILITY

I, Y. Rocky Tsao, hereby declare:

1. I am an attorney of record in the above-captioned patent application.
2. Academia Sinica, 128, Sec. 2, Academia Sinica Road, Nan-Kang, Taipei, Taiwan, R.O.C., is the assignee of the entire right, title and interest in the invention described and claimed in the above-captioned patent application.
3. Under the terms of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure, 2 strains of this invention, i.e., 1081 and C4, were deposited by inventor Dr. Yu-Chan Chao on December 13, 2006 with the China Center for Type Culture Collection, Wuhan, Hubei, 430072, China, where they were given Accession Numbers CCTCC V200610 and CCTCC V200611, respectively. The deposited strains were in the possession of Dr. Yu-Chan Chao at the time of filing of the above-captioned application.
4. Academia Sinica agrees that upon allowance and issuance of the above-captioned patent application as a United States Patent, all restrictions on the availability to the public of the deposit will be irrevocably removed, and until such time, the material will be available during

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

January 9, 2007
Date of Deposit
Diane M. Saturno
Signature
Diane M. Saturno
Typed or Printed Name of Person Signing Certificate

the pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. 1.14 and 35 U.S.C. § 122.

5. Academia Sinica further agrees that the deposited material will be maintained with all the care necessary to keep it viable and uncontaminated for a period of at least five (5) years after the most recent request for the furnishing of a sample of the deposited material, and in any case, for a period of at least thirty (30) years after the date of deposit or for the enforceable life of the patent, whichever period is longer and that the deposited material will be replaced if the depository should be unable to furnish a sample when requested due to the condition of the deposit, such as inviability, contamination, or loss of capability to function in the manner described in the specification.

6. All statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: 1-9-07

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